K

.9/43

File No. B Arnold Marriage/43

Legal Department

B **BRANCH**

Subject:—

A Bill to ~~amend~~ Validate Arnold Marriage Act

Bombay X of 1943

4. 7/F)

File No. B. Arnold Marriage/43

Gen. 194 e.

48(1) B

Office of the R.L.A.

The requisite draft Bill is sent herewith.

2. The subject-matter of the Bill falls under entry 6 in the Concurrent Legislatives Lis. in the Seventh Schedule to the Government of India act, 1935. As already advised in para. 2 of R.L.A.'s opinion No. 4291 dated 25th May 1942, the Bill requires tobe reserved for the consideration of theGovernor General with reference to section 107(2) of the Government of India Act, 1935, and paragraph (2) of the Proclamation as being repugnant to the provisions of section 4 of the Indian Christian Marriage Act, 1872, which is an existing Indian law.

Sd/- [illegible]
12-7

Remembrancer of Legal Affairs.

U.R. to C.D. No 4844, dated the 13th July 1943.

1817

No. 8220
Legal Department.
Bombay Castle, 8th Nov. 1943.

To
The Secretary to the Governor of Bombay.

Subject: Arnold Marriage Validating Bill

With reference to your memorandum No. 201 (8E) dated the 21st September 1943, addressed to the General Department, on the above subject, I am directed to forward herewith a copy of the Arnold Marriage Validating Bill prepared by His Excellency the Governor of Bombay under paragraph (2) of the Proclamation dated th 4th November 1939 issuedby him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibi lity of the Governor under section 52 (1) of the Government of India Act, 1935, or falls within the purview of clause (a) (b) (c) or (d) of paragraph XVII of the Instrument of Instructions to th Governor of Bombay.

3. The subject matter of the Bill falls under entry 6 in the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935. The Bill requires to be reserved for the consideration of Governor General with reference to section 107 (2) of the Government of India Act, 1935 and Para. (2) of the Proclation as being repugnant to the provisions of section 4 of the Indian Christian Marriage Act, 1872, whichis an existing Indian law.

4. I also forward herewith six spare copies of the Bill out of which five copies are for transimmission to the Secretary to the Governor General (Public)

Sd/- P.M.M.
Secretary to the Government of
Bombay, Legal Department.

Through
The Secretary to Government,
General Department.

Legal Department.

The Bill to validate Arnold Marraige has been forwarded separately through the General Department to the Secretary to the Governor for obtaining the assent of His Excellency the Governor General to the Bill.

2. It does not appear necessary to extent the Arnold Marriage Validating Act, 1943, to the partially excluded areas in the Province.

Sd/-

for Secretary to Government.

U.R. to G.D. No. 8894 dated the 2nd December 1943 .

201 (86)

Office of the Governor's Secretary,
Government House,
Bombay, 8th December 1943.

From

D. Symington, Esquire, MC CIE. I.C.S.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department, Bombay.

Subject :- Arnold Marriage Validating Bill.

Sir,

With reference to your letter No. 8220, dated the 8th November 1943, on the above subject, I am directed to forward herewith the copy of the Arnold Marriage Validating Bill, 1943, with His Excellency the Governor-General's assent signed thereon.

Your obedient Servant,

Sd/-

for Secretary to the Governor of
Bombay.

Acts.
Publication of the Arnold Marriage Validating Act, 1943.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 9180

Bombay Castle, 15th December 1943.

Letter to the Secretary to the Governor, No.8220, dated 8th November 1943.

Letter from the Secretary to the Governor, No.201 (88) dated the December 1943.

"With reference to your letter No. 8220, dated the 8th November 1943, on the above subject, I am directed to forward herewith the copy of the Arnold Marriage Validating Bill, 1943, with His Excellency the Governor-General's assent signified thereon."

RESOLUTION.- The law should be published as Bombay Act No. X of 1943, in the Bombay Government Gazette dated the 15th December 1943.

2. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay.,

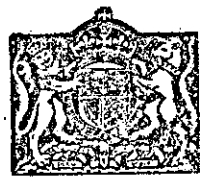
Sd/- K.M. Chitnis.

for (P.N. Moos,
(Secretary to Government.

To
The Manager, Government Central Press, Bombay (with a copy of the Act with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department),
The General Department,
The Secretary to the Bombay Legislative Council, (
The Secretary to the Bombay Legislative Assembly)

( ) with a copy of the Act.

Registered No. B-1



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 15TH DECEMBER 1943.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor-General on the 2nd December 1943 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. X OF 1943.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 15th December 1943.)

An Act to validate the marriage between Albert Charles Arnold and Gwendoline Ethel Scanlon solemnized at Ahmednagar in the Province of Bombay.

WHEREAS the Reverend F. Elgar Leyland, a Methodist Chaplain was, on the 28th March 1938, granted a license under section 6 of the Indian Christian Marriage Act, 1872, to solemnize marriages;

XV of 1872.

AND WHEREAS prior to the grant of the said license the said Reverend F. Elgar Leyland in the belief that he was authorised so to do, solemnized on 30th December 1937, the marriage at

Ahmednagar between Albert Charles Arnold and Gwendoline Ethel Scanlon;

AND WHEREAS the parties to the said marriage believed that the said Reverend F. Elgar Leyland was duly authorised to solemnize the same, and that the said marriage was valid in law;

AND WHEREAS it is expedient that the said marriage, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Arnold Marriage Validating Act, 1943.

Validation of marriage between Albert Charles Arnold and Gwendoline Ethel Scanlon.

2. The marriage between Albert Charles Arnold and Gwendoline Ethel Scanlon which was solemnized on 30th December 1937 at Ahmednagar by the Reverend F. Elgar Leyland, a Methodist Chaplain (hereinafter referred to as "the said marriage") shall be, and shall be deemed to have been, with effect from the date of solemnization, as good and valid in law as if the said marriage had been solemnized by a person duly authorised under a license granted under section 6 of the Indian Christian Marriage Act, 1872 (hereinafter referred to as "the said Act"). XV of 1872.

Validation of records of said marriage.

3. The certificate of the said marriage declared by section 2 to be good and valid in law and register-books and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the provisions of the said Act, in so far as the register-books and the extracts relate to the said marriage, shall be received as evidence of the said marriage as if the said marriage had been duly solemnized under the said Act.

STATEMENT.

A marriage between two christian subjects of His Majesty was performed at Ahmednagar in the Province of Bombay, by a Methodist Chaplain on the 30th December 1937, in the belief that he was authorised to perform it under section 6 of the Indian Christian Marriage Act, 1872. The parties to the marriage also believed that the Chaplain was duly authorised to solemnize the marriage. A child has since been born of the union. As in fact the license under section 6 was not granted to the Chaplain until the 28th March 1938, the marriage solemnized by him is not valid in view of section 4 of the Act. The present legislation is undertaken in order to validate the marriage solemnized in good faith but without authority.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.